



FEDERAL ELECTION COMMISSION
Washington, DC 20463

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OCT 11 2016

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MEMORANDUM

TO: The Commission

FROM: Kathleen Guith
Acting Associate General Counsel for Enforcement

BY: Stephen Gura *SG*
Deputy Associate General Counsel for Enforcement

Mark Shonkwiler *MS*
Assistant General Counsel

Kimberly D. Hart *KDH*
Attorney

SUBJECT: MUR 7027 (MV Transportation, *et al.*) Pre-Probable Cause
Conciliation with MV Transportation, Inc. and R. Carter Pate

Attached are separate proposed agreements negotiated with *sua sponte* submitters MV Transportation ("MV") and its former Chief Executive Officer, R. Carter Pate ("Pate") that resolve self-reported violations of the Federal Election Campaign Act of 1971, as amended ("Act") and Commission regulations stemming from MV's use of corporate funds to reimburse Pate for six federal contributions totaling \$43,100. Attachs. 1 and 2. We recommend the Commission accept the negotiated agreements as appropriate resolutions as to MV and Pate.¹

¹ We could not reach agreement with the respondent who was not a party to the *sua sponte* submission, former MV Chief Financial Officer Brad Cornelsen. Cornelsen, who is proceeding *pro se*, was terminated from MV and is awaiting criminal trial on embezzlement charges, which is scheduled for October 24, 2016. Because of the ongoing criminal proceedings, Cornelsen would not sign a conciliation agreement that contained a statement that he violated the law, nor would he toll the statute of limitations. We recently informed Cornelsen that we are ending conciliation and moving on to the next stage of the enforcement process. As explained in a separate information memorandum, we intend to send Cornelsen a brief recommending that the Commission make probable cause to believe findings against him.

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III. RECOMMENDATIONS:

1. Accept the attached conciliation agreement with MV Transportation.
2. Accept the attached conciliation agreement with R. Carter Pate.
3. Approve the appropriate letters.
4. Close the file as to MV Transportation, Inc. and R. Carter Pate.

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